

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TAM QUANG DO,

Defendant.

CR-07-0085-LRS

Amended Final Order of Forfeiture

WHEREAS, on January 22, 2008, the Court entered a Preliminary Order of Forfeiture, pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, preliminarily forfeiting to the United States the assets described below:

- 1) \$45,000.00 in United States currency.
- 2) A 1997 Subaru Legacy, Washington license plate 956 VVN, VIN: 4S3BK4357V7311070.

WHEREAS Defendant TAM QUANG DO'S interest in the property described above was resolved pursuant to the United States pursuant to the plea agreement filed herein.

WHEREAS, 21 U.S.C. § 853(n), as incorporated by 28 U.S.C. § 2461(c) and Fed. R. Crim. P. 32.2, require the resolution of all third-party claims to the property in the final order of forfeiture.

On January 25, 2008, the United States served, via certified mail, a copy of the Notice of Preliminary Order of Forfeiture and Preliminary Order of Forfeiture, upon Kim Do as evidenced by the Certificate of Service of Notice by Mail filed herein on

1 March 17, 2008. The petition deadline was February 29, 2008. To date, Ms. Do has
2 not filed a petition to claim an interest in the property.

3 On February 21, and 28, and March 6, 2008, the Notice of Preliminary Order
4 of Forfeiture was published in the Cheney Free Press, a newspaper of general
5 circulation in Spokane County, Washington, which notified all third parties of their
6 right to petition the Court within thirty days for a hearing to adjudicate the validity of
7 their alleged legal interest in the real property described above. In addition, notice of
8 the criminal forfeiture action was posted on an official government internet site for at
9 least 30 consecutive days beginning on January 25, 2008, as evidenced by the
10 Declaration of Publication filed herein on March 17, 2008. At the latest, this petition
11 deadline period expired on April 7, 2008.

12 On September 30, the United States Attorney's Office received a letter from the
13 Department of Justice Asset Forfeiture and Money Laundering Section (AFMLS)
14 regarding its request that the forfeited \$45,000.00 be restored for victim restitution.
15 The letter indicated that the restoration request was denied. Therefore, the United
16 States Attorney's Office is no longer seeking forfeiture of the \$45,000.00, and instead
17 requests that the United States Secret Service remit the \$45,000.00 to the Clerk of the
18 Court for payment of victim restitution.

19 On October 17, 2008, the United States and the Defendant filed a joint motion
20 to for entry of an amended final order of forfeiture. In said motion, the United States
21 and Defendant stipulated that the \$45,000.00 should be retained by the United States
22 for payment of victim restitution in accordance with the restitution order filed herein
23 on August 5, 2008.

24 It appearing to the Court that Defendant, TAM QUANG DO's interest has been
25 resolved by the plea agreement and joint motion for entry of amended final order of
26 forfeiture filed herein;

27 It also appearing to the Court that no other timely petitions have been made
28 claiming an interest in the assets;

1 It further appearing to the Court that the United States is no longer seeking
2 forfeiture of the \$45,000.00 in United States currency;

3 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the
4 \$45,000.00 in United States currency shall be remitted to the Clerk of the Court for
5 the Eastern District of Washington for payment of restitution in accordance with the
6 restitution order filed herein;

7 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the 1997
8 Subaru Legacy, Washington license plate 956 VVN, VIN: 4S3BK4357V7311070,
9 described herein, is hereby condemned and forfeited to the United States of America
10 and no interest shall exist in any other person.

11 All claims to the subject property have been addressed, accordingly,

12 IT IS FURTHER ORDERED that the United States shall dispose of the
13 forfeited property in accordance with law.

14 ORDERED this 20th day of October, 2008.

15
16 s/Lonny R. Suko

17 Lonny R. Suko
18 United States District Judge

19 Presented by:

20 James A. McDevitt
21 United States Attorney

22 s/Jared C. Kimball

23 Jared C. Kimball
24 Assistant United States Attorney